

Of tyrants and wicked kings Paul does not speak. Let tyrants and wicked kings, therefore, be hanged for their misdeeds. And let no true king be offended thereat, as an outrage upon his order; for if a smith or a baker be hanged for robbery, and his fellow-craftsmen rejoice that their craft is purged of such villains, why not kings? Doth not God command wicked men to be cut off, and doth He except any age, rank, or sex from this law ? Nay, verily, " for kings are no more acceptable to God than beggars." But where, in Scripture, was ever a king put to death ? asks the horrified Maitland, Where, in Scripture, is the punishment of a wicked king reprehended ? queries his unabashed antagonist. As God, and not the people, was the creator of the Jewish kings, it is but reasonable that He should reserve their punishment to Himself. But, in the case of a sovereign created by popular election, the people has the inalienable right to call him to account, and punish him by death if need be. " The people/' he boldly continues, repeating John Major, "by whom our kings enjoy whatever right they claim, is more powerful than their kings, and has the same authority over them which they possess over each member of the State individually. . . . All nations which are subject to kings, elected by themselves, commonly agree in this, that whatever right the people has conferred, it may recall for just reasons. This right all commonwealths have retained."

But what will foreigners say of this Scottish democracy ? nervously asks Maitland, harking back to the origin of the debate. Hereupon follows a vindication of what Buchanan regards as a fundamental principle of the Scottish constitution. It is no more expedient to place the king above the law, and thus grant him license to oppress the people, than it is to grant a physician liberty to kill whom he listeth. No good king has cause of offence in this, and in the case of wicked kings the necessity of the superiority of the law is self-evident. As the king derives his authority from the law, and the people, as its author, is superior to the law, the people is superior to the king. Thus the sovereignty, according to Buchanan, really resides in the people, and he deserves the distinction of stating this momentous modern doctrine in unmistakable terms. But does the people, then, invariably agree to do the right? This